IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3506 OF 2005.

IN

CIVIL APPLICATION NO.347 OF 2003

IN

FIRST APPEAL NO.670 OF 2000.

Ramprasad J. Upadhyay : Petitioner.

v/s

Sarjuprasad J. Upadhyay & ors. : Respondents.

And

Smt.Manbhavatidevi wd/o

Ramprasad Upadhyay : Applicant.

Mr.Omprakash Pandey i/by M/s.Pandey & Co. for the applicant.

Ms.Yogini Gade i/by M/s.Harakchand & Co. for Respondent Nos.1,3 & 4.

CORAM : D.G.DESHPANDE,J.

DATED : 14th September 2005.

ORAL ORDER

1. Heard advocate for the applicant, who is the wife of deceased appellant and advocate for the respondents. The applicant has filed this application for setting aside the order of dismissal dated 20.3.2002. The said order was passed because of non-compliance to the Court's order about the paper book. This application is strongly opposed by the advocate for the respondents. However, looking to the fact that the original appellant died in October 2002 and his legal heirs were required time to engage an advocate and to take proper steps and, also looking to the fact that though at belated stage the paper book has been filed, as per the statement of the advocate for the applicant, this application is allowed subject to payment of costs of Rs.1500/-. Costs to be paid within two weeks from today. Payment of costs is a condition precedent. Civil Application is disposed of.

[D.G.DESHPANDE,J]